

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p><u>In re Terrorist Attacks on September 11, 2001</u></p> <p>MIRIAM HODGES; ROBERT E HOEHN, JR. AND PATRICIA HOEHN; BRIAN HOESL AND LINDA HOESL; THOMAS HOGAN; DOUGLAS HOLDER AND RENEE HOLDER; GREGORY HOLGERSON AND CHRISTINE HOLGERSON; ROBERT HUTCHINSON; AMATO IANNELLI AND LORETTA IANNELLI; PAUL INZIRILLO AND SHARON INZIRILLO; ALONZO JAMES; MARY S JAMES AND ALBERT L JAMES; AMRYL JAMES-REID; FREDDY JARAMILLO; RODRIGO JIMBO; JOSE JIMENEZ AND ISABEL JIMENEZ; CHRISTOPHER JOHNSON; JOHNNY L JOHNSON AND MAUREEN JOHNSON; JEROME KAZLAUSKAS AND ELIZABETH KAZLAUSKAS; KEVIN KERRIGAN AND CHRISTINE KERRIGAN; DANIEL KOCHANSKI AND DIANE KOCHANSKI; ANDRZEJ KORZEP AND MALGORZATA KORZEP; RUSSELL KROM; DENNIS LAFFIN AND ANGELA LAFFIN; EVA LAMBOY; KEVIN LARKIN AND NINA M LARKIN; PATRICK LASCALA AND JESSICA LASCALA; ANA LASCANO; GERARD LAWSON; GARY LEVY; JUANITA LEWIS AND DERRICK T LEWIS; SHARON LITROFF; MICHAEL LOLLO AND MAEGHAN H LOLLO; RICHARD LOPEZ; PEDRO MACIAS; OREATHER MACK; KEVIN MADDEN; THOMAS MADDEN; IFE MAIJEH AND CALANDRA MAIJEJ; DENISE MAKARIUS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ARTHUR MAKARIUS, AND DENISE MAKARIUS INDIVIDUALLY; ANTHONY MALONE; VINCENT J MANCO AND DANIELA MANCO; VINCENT MARALDO; THOMAS MAZZOLA AND CAROLANN MAZZOLA; JOHN MCCABE</p>	<p>As relates to: 03 MDL 1570 (GBD)(SN)</p> <p>Civil Docket Number: 17-CV-00117</p> <p><u>SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY</u></p> <p>ECF CASE</p>
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AND ELISA MCCABE; MICHAEL MCCORMACK; IRIS MCMILLAN; MARIA E MELENDEZ; EDGAR MENDEZ; EVELYN MENDEZ; MARY A MENDEZ AND JOSE M MENDEZ; FRANK MENDOLIA; JOHN MESKILL AND DIANNE MESKILL; VINCENT MIRANCE; EDWARD MOJICA; JOSE MORALES, JR.; CONSUELO MORENO; JORGE MORENO; THOMAS MORTON AND AMANDA MORTON; SANDRA MULLIGAN, AS EXECUTRIX OF THE ESTATE OF PATRICK MULLIGAN, AND SANDRA MULLIGAN INDIVIDUALLY; MARIO MUNOZ AND NADIA MUNOZ; CHARLES MURPHY; GERARD MURPHY; MARK MUSARELLA; ANTHONY MUSARRA AND CLAUDIA P MUSARRA; PHILL NADLER AND SHELIA NADLER; ANGEL F NARANJO; MIGUEL A NAULA; TERRANCE NEPTUNE; JOSE NICOLA; STEVENSON NURSE; GARY O GRADY; ORLANDO OCAMPO; GUSTAVO OCHOA; LORRAINE WALSH, AS EXECUTRIX OF THE ESTATE OF THOMAS O'DEA, AND LORRAINE WALSH INDIVIDUALLY; PATRICK O'FLAHERTY AND TRACEY O'FLAHERTY; DANNY OLSEN; ARKADIUSZ OLSZEWSKI; HAIDEE OROZCO; MANUEL ORTEGA; CHRISTOPHER ORTIZ; MANUEL ORTIZ; KRZYSZTOF PAJAK; NICHOLAS PAPAZISSIS; NADINE PATTERSON; ANDREW PECORAINO; JORGE PENA; MARIANA PENA; ROBERT S PEPE; CRAIG PEREIRA AND COLLEEN PEREIRA; DAVID PEREZ AND SANDRA PEREZ; JACQUELINE PEREZ; DAVID PEREZ-ZAPATA; PAUL PERUGINI AND JENNIFER PERUGINI; CHRISTOPHER PISCIOTTI; MICHELE PLACIDO AND NANCY PLACIDO; MICHAEL POTTS; RICHARD PRAGER; GLADYS PRETEL-VEGA; LOUIS F. PRINCE, JR.; AND JUAN PUIG

PLAINTIFFS,

V.

KINGDOM OF SAUDI ARABIA; SAUDI HIGH COMMISSION FOR RELIEF OF BOSNIA & HERZEGOVINA	
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DEFENDANTS	
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SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Trial by Jury* against Defendants named herein by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the specific allegations, as indicated below, of Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC") and *Demand for Jury Trial* in *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570* in the United States District Court for the Southern District of New York (hereinafter "the CAC"). Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543.

(*Notice to Conform, Applicable For Previously Filed Complaints Only*): Plaintiff(s) in the previously filed case styled as MIRIAM HODGES, ET. AL. V. KINGDOM OF SAUDI ARABIA file(s) this *Short Form Complaint* to incorporate Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC"), and *Demand for Jury Trial* ("the CAC"), ECF No. 3463, as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543. Upon filing of this *Short Form Complaint*, plaintiffs' underlying Complaint, ECF No. 1, is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the CAC, as well as all causes of action specified below. The amendment effected through this *Short Form Complaint* supplements by incorporation into, but does not displace, plaintiffs' underlying Complaint. This *Notice to Conform* relates solely to Saudi Arabia and the SHC, and does not apply to any other defendant, as to which plaintiffs' underlying Complaint and any amendments thereto are controlling.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction, is as asserted in the CAC, and further, jurisdiction of the within *Short Form Complaint* is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S. C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S. C. § 1605B (Justice against Sponsors of Terrorism Act)
- ☐ Other: (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

CAUSES OF ACTION

3. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference, the CAC as if set forth fully herein.

4. Furthermore, the following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference from the CAC:

- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(d) (JASTA)
- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(a)
- ☒ Committing Acts of International Terrorism in Violation of 18 U.S.C. § 2333
- ☒ Wrongful Death, as applicable to a claim for such
- ☒ Survival

- ☒ Alien Tort Claims Act
- ☒ Assault and Battery
- ☒ Conspiracy
- ☒ Aiding and Abetting
- ☒ Intentional Infliction of Emotional Distress
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents
- ☒ 18 U.S.C. § 1962(a)-(d) – CIVIL RICO
- ☒ Trespass
- ☒ Punitive Damages
- ☐ Plaintiff assert(s) the following additional theories and/or Causes of Action against the Defendants:

IDENTIFICATION OF PLAINTIFFS

5. The following allegations and information contained herein, is alleged as to each individual who is bringing this claim, as indicated on Appendix 1 to this *Short Form Complaint*, and/or as to each decedent who was injured and who is now deceased, whose claim is brought by the Estate representative, and as to the survivors of the Estate, herein referred to as “Plaintiffs.”

- a. The citizenship of said Plaintiff is indicated at Appendix 1 to this Short Form complaint.
- b. Said Plaintiff is entitled to recover damages on the causes of action set forth in this Complaint.

- c. As indicated at Appendix 1, said Plaintiff was injured as a result of the terrorist attacks of September 11, 2001; is the estate representative of someone who was injured as a result of the terrorist attacks of September 11, 2001 and who is now deceased, or is a survivor of someone who was injured as a result of the terrorist attacks of September 11, 2001 and who is now deceased.
- d. For those plaintiffs with injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged: _____.
- e. As a direct, proximate and foreseeable result of Defendants' actions or inactions, Plaintiff suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and as otherwise described in the CAC, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged herein: _____.
- f. The name, relationship to the injured 9/11 victim, residency, nationality, and the general nature of the claim for each plaintiff is listed on the attached Exhibit 1, and is incorporated herein as allegations, with all allegations of the within *Short Form Complaint* deemed alleged as to each plaintiff.

IDENTIFICATION OF THE DEFENDANTS

6. The following entities are Defendants herein:

- ☒ Kingdom of Saudi Arabia
- ☒ Saudi High Commission for Relief of Bosnia & Herzegovina

Plaintiffs' constituent case, if applicable, and this *Short Form Complaint* shall be deemed subject to any motion to dismiss the CAC or Answer to the CAC filed by Saudi Arabia or the SHC. By way of filing this *Short Form Complaint*, plaintiffs shall not be deemed to have adopted any class-action allegations set forth in the CAC or waived any right to object to class certification or opt out of any certified class. This *Short Form Complaint* also does not serve as a request for exclusion from any class that the Court may certify.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants as set forth in the CAC as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury as to the claims in this action.

Dated: May 16, 2017

Respectfully Submitted,

/s/ Christopher R. LoPalo
Christopher R. LoPalo, Esq. (CL-6466)
Paul J. Napoli, Esq. (PN-8845)
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Counsel for Plaintiff(s)

See Appendix 1 Annexed

APPENDIX 1 TO THE *SHORT FORM COMPLAINT*

(EXEMPLAR-ALL NAMES BELOW ARE FICTITIOUS)

Each line below is deemed an allegation, incorporating the allegations, language and references within the *Short Form Complaint* to which this Appendix is appended, and shall be referenced as Allegation 1 of Appendix 1 to the *Short Form Complaint*, Allegation 2 of Appendix 1 to the *Short Form Complaint*, etc.)

	Plaintiffs Name (alphabetically ordered by last name of Injured 9/11 Victim)	Relationship to Injured 9/11 Victim	State of Residency at filing	Citizenship/ Nationality on 9/11/01	General Nature of Claim Asserted (e.g., personal injury, wrongful death, solatium)
1.	Miriam Hodges	Self	NY	US	Personal Injury
2.	Robert E Hoehn, Jr. and Patricia Hoehn	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
3.	Brian Hoesl and Linda Hoesl	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
4.	Thomas Hogan	Self	NY	US	Personal Injury
5.	Douglas Holder and Renee Holder	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
6.	Gregory Holgerson and Christine Holgerson	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
7.	Robert Hutchinson	Self	NY	US	Personal Injury
8.	Amato Iannelli and Loretta Iannelli	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
9.	Paul Inzirillo and Sharon Inzirillo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
10.	Alonzo James	PR/Spouse	NV	US	Wrongful Death, Solatium
11.	Mary S James and Albert L James	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
12.	Amryl James-Reid	Self	NJ	US	Personal Injury
13.	Freddy Jaramillo	Self	NY	US	Personal Injury
14.	Rodrigo Jimbo	Self	NY	US	Personal Injury
15.	Jose Jimenez and Isabel Jimenez	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
16.	Christopher Johnson	Self	NJ	US	Personal Injury
17.	Johnny L Johnson and Maureen Johnson	Self/Spouse	TX	US	Personal Injury, Loss of Consortium
18.	Jerome Kazlauskas and Elizabeth Kazlauskas	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
19.	Kevin Kerrigan and Christine Kerrigan	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
20.	Daniel Kochanski and Diane Kochanski	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
21.	Andrzej Korzep and Malgorzata Korzep	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
22.	Russell Krom	Self	NY	US	Personal Injury
23.	Dennis Laffin and Angela Laffin	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
24.	Eva Lamboy	Self	NY	US	Personal Injury
25.	Kevin Larkin and Nina M Larkin	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
26.	Patrick LaScala and	Self/Spouse	NY	US	Personal Injury, Loss of

	Jessica LaScala				Consortium
27.	Ana Lascano	Self	NJ	US	Personal Injury
28.	Gerard Lawson	Self	PA	US	Personal Injury
29.	Gary Levy	Self	NY	US	Personal Injury
30.	Juanita Lewis and Derrick T Lewis	Self/Spouse	MD	US	Personal Injury, Loss of Consortium
31.	Sharon Litroff	Self	NY	US	Personal Injury
32.	Michael Lollo and Maeghan H Lollo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
33.	Richard Lopez	Self	PA	US	Personal Injury
34.	Pedro Macias	Self	NY	US	Personal Injury
35.	Oreather Mack	Self	NY	US	Personal Injury
36.	Kevin Madden	Self	FL	US	Personal Injury
37.	Thomas Madden	Self	NY	US	Personal Injury
38.	Ife Maijeh and Calandra Maijeh	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
39.	Denise Makarius, as Personal Representative of the estate of Arthur Makarius, and Denise Makarius Individually	PR/Spouse	FL	US	Wrongful Death, Solatium
40.	Anthony Malone	Self	CT	US	Personal Injury
41.	Vincent J Manco and Daniela Manco	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
42.	Vincent Maraldo	Self	NY	US	Personal Injury
43.	Thomas Mazzola and Carolann Mazzola	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
44.	John McCabe and Elisa McCabe	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
45.	Michael McCormack	Self	PA	US	Personal Injury
46.	Iris McMillan	Self	NY	US	Personal Injury
47.	Maria E Melendez	Self	NY	US	Personal Injury
48.	Edgar Mendez	Self	NJ	US	Personal Injury
49.	Evelyn Mendez	Self	NY	US	Personal Injury
50.	Mary A Mendez and Jose M Mendez	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
51.	Frank Mendolia	Self	NY	US	Personal Injury
52.	John Meskill and Dianne Meskill	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
53.	Vincent Mirance	Self	NY	US	Personal Injury
54.	Edward Mojica	Self	NY	US	Personal Injury
55.	Jose Morales, Jr.	Self	FL	US	Personal Injury
56.	Consuelo Moreno	Self	NY	US	Personal Injury
57.	Jorge Moreno	Self	NY	US	Personal Injury
58.	Thomas Morton and Amanda Morton	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
59.	Sandra Mulligan, as Executrix of the estate of Patrick Mulligan, and Sandra Mulligan	PR/Spouse	NY	US	Wrongful Death, Solatium

	Individually				
60.	Mario Munoz and Nadia Munoz	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
61.	Charles Murphy	Self	NY	US	Personal Injury
62.	Gerard Murphy	Self	NY	US	Personal Injury
63.	Mark Musarella	Self	NY	US	Personal Injury
64.	Anthony Musarra and Claudia P Musarra	Self/Spouse	FL	US	Personal Injury, Loss of Consortium
65.	Phill Nadler and Shelia Nadler	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
66.	Angel F Naranjo	Self	NY	US	Personal Injury
67.	Miguel A Naula	Self	NY	US	Personal Injury
68.	Terrance Neptune	Self	NY	US	Personal Injury
69.	Jose Nicola	Self	NY	US	Personal Injury
70.	Stevenson Nurse	Self	NY	US	Personal Injury
71.	Gary O Grady	Self	NY	US	Personal Injury
72.	Orlando Ocampo	Self	NY	US	Personal Injury
73.	Gustavo Ochoa	Self	NY	US	Personal Injury
74.	Lorraine Walsh, as Executrix of the estate of Thomas O'Dea, and Lorraine Walsh Individually	PR/Spouse	NY	US	Wrongful Death, Solatium
75.	Patrick O'Flaherty and Tracey O'Flaherty	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
76.	Danny Olsen	Self	NV	US	Personal Injury
77.	Arkadiusz Olszewski	Self	NY	US	Personal Injury
78.	Haidee Orozco	Self	NY	US	Personal Injury
79.	Manuel Ortega	Self	NY	US	Personal Injury
80.	Christopher Ortiz	Self	NY	US	Personal Injury
81.	Manuel Ortiz	Self	NY	US	Personal Injury
82.	Krzysztof Pajak	Self	NY	US	Personal Injury
83.	Nicholas Papazissis	Self	NY	US	Personal Injury
84.	Nadine Patterson	Self	NY	US	Personal Injury
85.	Andrew Pecoraino	Self	NY	US	Personal Injury
86.	Jorge Pena	Self	NY	US	Personal Injury
87.	Mariana Pena	Self	NY	US	Personal Injury
88.	Robert S Pepe	Self	FL	US	Personal Injury
89.	Craig Pereira and Colleen Pereira	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
90.	David Perez and Sandra Perez	Self/Spouse	VA	US	Personal Injury, Loss of Consortium
91.	Jacqueline Perez	Self	NY	US	Personal Injury
92.	David Perez-Zapata	Self	NY	US	Personal Injury
93.	Paul Perugini and Jennifer Perugini	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
94.	Christopher Piscioti	Self	NJ	US	Personal Injury

95.	Michele Placido and Nancy Placido	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
96.	Michael Potts	Self	FL	US	Personal Injury
97.	Richard Prager	Self	NY	US	Personal Injury
98.	Gladys Pretel-Vega	Self	NY	US	Personal Injury
99.	Louis F. Prince, Jr.	Self	PA	US	Personal Injury
100.	Juan Puig	Self	NY	US	Personal Injury